

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

TOMMIEL CLAIBORNE

VS.

CIVIL ACTION NO. 5:17-cv-103-KS-LRA

WARDEN F. SHAW

ORDER

THIS CAUSE IS BEFORE THE COURT on Request for Certificate of Appealability [43] filed by Tommiel Claiborne. The Court notes that a final Order [38] and Judgment [39] were entered by this Court on January 2, 2019 finally dismissing with prejudice the Petition of Claiborne. On the same date a Certificate of Appealability was denied by Order [40]. Claiborne appealed to the Fifth Circuit on March 25, 2019, as noted in [41]. The Fifth Circuit dismissed the Appeal for the reason that it was out of time, and a certified copy of the Fifth Circuit's Judgment and Mandate [42] are part of the record herein. The Court finds that the Motion of Claiborne [43] has no basis and is DENIED.

SO ORDERED this the 25th day of June, 2019.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE